



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,000	08/30/1999	KENICHI MIYAZAKI	Q55595	9906

7590 11/25/2002

SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 200373202

EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/386,000

Applicant(s)

MIYAZAKI, KENICHI

Examiner

Patrick H. Mackey

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 13, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Paragraph 4 of the previous Office Action contained a typographical error. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(e) not 35 U.S.C. 102(b).

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. Yamada discloses an image forming apparatus that includes at least one roll of paper (102) and one sheet of carton (101), a printing unit (2), and a discharged paper stacking unit (301) below the printing unit and in a straight line via a paper path from the feeding unit through the printing unit.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3651

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCulley in view of Smedal. McCulley discloses a paper roll attachment for a type writer that includes a sheet feeding area and a plurality of paper rolls arranged obliquely to each other, a printer (D), and a paper discharge area (generally at 19). McCulley discloses all the limitations of the claims, but it does not disclose a sheet feeding area positioned at a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level. However, Smedal discloses a roll attachment for type writers that includes a frame (5) with a vertical leg (3) adapted to be supported at any elevation (see page 1, lines 85-90), including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine (see page 1, lines 15-30). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCulley by utilizing a frame with a vertical leg adapted to be supported at any elevation, including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed

Art Unit: 3651

substantially at ground level, for the purpose of adapting the attachment to any type writing machine.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hageman in view of Metzner. Hageman discloses a sheet feeding area which includes a roll of paper (46), a sheet of paper (s), and cover members (45/42). Hageman does not disclose that a single cover member extends linearly from an upstream portion to a downstream portion in which the sheet of paper is fed and the cover member is disposed between the sheet of paper and the roll of paper at a location in the sheet feeding area at which the roll of paper is in a rolled shape. Rather Hageman discloses two separate cover members (45, 42). Cover members (42) have a portion that extends linearly (42) that covers a first feeding path for the roll of paper from above and supports the sheet of paper from below. Additionally, cover members (45) have a portion between the sheet of paper (s) and the roll of paper (46) at a location in the sheet feeding area at which the roll of paper is in a rolled shape. However, Metzner discloses a single cover member (23) that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the pack to the printing area. It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Hageman by utilizing a single cover member that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the roll to the printing area.

*Allowable Subject Matter*

Art Unit: 3651

7. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 16 and 18 are allowed.

*Response to Arguments*

9. Applicant's arguments filed 11/13/2002 have been fully considered but they are not persuasive.

10. The applicant states that Yamada does not disclose that the sheet of paper include a stiff carton. In response, the examiner notes that material worked upon does not limit apparatus claims. See M.P.E.P. § 2115.

11. The applicant states that Yamada does not disclose "the paper feed unit unit being located at a height that enables a user standing in front of the printer to execute the paper feeding process including replacement of the roll paper and setting the sheet of paper". In response, see Fig. 1.

12. The applicant states that Smedal does not disclose "a sheet feeding area whereat a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level." In response, the examiner notes Smedal discloses that the printing medium can be set at any vertical height so long as it is supported by post 2.

13. The applicant states that Smedal does not disclose a sheet feeding area of a large printer and that neither McCulley nor Smedal discloses a large printer. In response, the examiner notes that a typewriter is a printer. The claims do not contain any language limiting the overall dimensions of the apparatus.

Art Unit: 3651

14. The applicant states that Hageman does not disclose "covers a first feeding path for the roll of paper from above". In response, the examiner notes that Hageman discloses disclose "covers a first feeding path for the roll of paper from above" (see items 42 and 45 above feeding paths).

15. The applicant states that Metzner does not disclose a cover member in the sheet feeding area. In response, the examiner notes that Metzner discloses a cover member (23) in an area where sheets are fed to a pile.

16. The applicant states that Metzner does not disclose a cover member. In response, the examiner notes that Metzner discloses a cover member (23) that is above sheets.

17. The applicant states that Metzner does not disclose the claimed invention. In response, the examiner agrees with the applicant and notes that the claims rejected utilizing Metzner are rejected under 35 U.S.C. 103.

### *Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Orbons et al. appears to be relevant to this application.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3651

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Patrick H. Mackey  
Examiner  
Art Unit 3651

November 20, 2002